

Appl. No. : 10/690,849
Filed : October 21, 2003

REMARKS

In response to the Final Office Action mailed February 2, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the following comments. Claims 24-28 remain pending, and no claims are amended, added or deleted in this paper.

In the Office Action mailed February 2, 2005, the Examiner rejected Claims 24 and 27-28 under 35 U.S.C. § 102(b) as being anticipated by Schooling (USPN 5,711,125) and rejected Claims 25-26 as being obvious over Schooling in view of Smith (US 6,089,301). The Examiner also rejected Claims 24 and 25 for obviousness-type double patenting over another of Applicant's patents (USPN 6,684,589).

Claim 24

Independent Claim 24 stands rejected as being anticipated by Schooling. However, Applicant respectfully submits that Schooling does not anticipate Claim 24. In finding Claim 24 anticipated by Schooling, the Examiner asserted that Schooling teaches a "decorative portion on the frame" in Figure 2. However, Applicant respectfully submits that the members 32, 34 shown in Schooling's Figure 2 do not include a "decorative portion" as found by the Examiner, as they are depicted as being ordinary rectangular members arranged as a typical doorframe perimeter, and with simple, flat, blank surfaces (the draftsman's shading lines in the members 32, 34 do not depict decorations).

Accordingly, Applicant respectfully submits that Independent Claim 24 is in condition for allowance over Schooling.

Dependent Claims 25-28

In view of the above, Applicant respectfully submits that Claims 25-28 are also in condition for allowance over Schooling and Smith, by virtue of their dependence from an allowable independent claim as well as their recitation of further novel and non-obvious combinations of features.

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Double Patenting

Applicant submits herewith an executed Terminal Disclaimer which obviates the Examiner's rejection of Claims 24 and 25 for double patenting.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Aug. 1, 2005

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